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Application GRANTED. The parties shall file their proposed protective order and proposed amended scheduling order by December 18, 2024.

December 4, 2024

Via Email

Honorable Lorna G. Schofield, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Dated: December 4, 2024
New York, New York

A handwritten signature in black ink, appearing to read "L. G. Schofield", written over a horizontal line.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: United Launch Alliance LLC v. Factory Mutual Insurance Company
Civil Action No.: 1:24-cv-1582-LGS

Dear Judge Schofield:

I submit this joint letter on behalf of Plaintiff United Launch Alliance LLC (“ULA”) and Defendant Factory Mutual Insurance Company (“FM” and, together with ULA, the “Parties”). The Parties request a two-week extension of the deadline to submit a proposed protective order that will govern the protection of documents that contain Controlled Defense Information (“CDI”), as well as submission of a proposed amended scheduling order, to December 18, 2024. This is the third request for this relief and it will not impact any other case deadlines.

Following the Parties’ initial conference with the Court on May 15, 2024, the Court directed the Parties to file their proposed protective order by June 14, 2024. (ECF No. 24). On July 12, 2024, the Parties filed a joint letter requesting an extension of the protective order submission deadline to August 1, 2024. (ECF No. 35). On August 8, 2024, this Court ordered the Parties to file a protective order regarding non-CDI regulated information (ECF No. 43) which was ordered by this Court on August 16, 2024. (ECF No. 46).

The proposed protective order governing CDI regulated information was discussed at the November 6, 2024 status conference. As a result of that conference, the Court ordered the Parties to file two submissions by December 4, 2024: (i) the proposed CDI protective order; and (ii) a proposed scheduling order that incorporated the CDI-related discovery. (ECF No. 50).

The Parties are diligently working on this unique CDI-related protective order and have made substantial progress but have not yet been able to reach an agreement. Nevertheless, the Parties are optimistic that they can reach an agreement that would avoid having to submit competing orders which would involve Court intervention. The Parties have also conferred on a proposed amended scheduling order that would involve the CDI-related discovery. Because there is not yet a final agreement on the proposed protective order, however, the Parties respectfully request that the proposed schedule be submitted with the proposed protective order, as originally

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intended. This would avoid having to submit an additional amended scheduling order in the unlikely scenario that the Parties are unable to reach agreement on the proposed protective order.

At the same time that the Parties have been working on these issues they have engaged in preliminary settlement discussions, which may resolve the case and avoid further discovery and the need for a protective order.

If the Parties' request herein meets with the Court's approval, the Parties respectfully request that the Court "So Order" the extension of the time to file a proposed order for the protection of CDI controlled information and a proposed amended scheduling order to December 18, 2024. If the Court would like to conference this matter or discuss the issues addressed herein, we and FM's counsel can be available at the Court's convenience.

We thank Your Honor for the Court's time and attention to this matter.

Respectfully submitted,

/s/ Lindsay Brandt Jakubowitz

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cc: All parties of record via ECF